

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/769,604 Confirmation No.: 4397
Applicant : Stephen M. Howard, et al.
Filed : January 25, 2001
T.C./A.U. : 2157
Examiner : Ramy M. Osman

Docket No. : EMC-002PUS
Customer No. : 51576

LETTER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the Examiner contact the undersigned in the event that the Examiner maintains that the Rule 1.131 Declaration of record to be insufficient in any way. As noted previously, Applicant has in its possession a source code listing for the claimed invention contained in the software release, which was prior to the filing date of the reference used to reject the claims. Applicant requests the opportunity to address any concerns of the Examiner prior to receiving a further Office Action as Applicant can clearly antedate the Davis reference.

In addition, Applicant believes the case is in condition for allowance upon acceptance of the Rule 1.131 Declaration. Applicants makes this request to advance prosecution of the case as clearly advocated in the Final Rules issued by the Office on August 21, 2007.

Please do not hesitate to contact the below signing attorney if there are any questions regarding this submission or this application.

Respectfully submitted,

Dated: October 11, 2007

DALY, CROWLEY, MOFFORD & DURKEE, LLP

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